THE HON'BLE SRI JUSTICE P.S.NARAYANA

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.9663 of 2007

Between:

Samala Subhash. .... PETITIONER

versus

The Station House Officer, Medak Rural Police Station, Medak District and two others. .... RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.9663 of 2007

ORDER:

The Writ Petition is a taken up case, which was taken up on file on the strength of a telegram sent by Samala Subhash praying for issuance of a Writ of Habeas Corpus directing the respondents to produce Samala Yadagiri, brother of petitioner; (2) Samala Ravi (3) brother-in-law of the petitioner and (4) Nandala Siddiramulu, s/o. Laxmaiah, before this Court, who were illegally detained since three days i.e., on 22.4.2007, by the police, Medak Rural Police Station at the instance of Bellam Subba Rao, s/o. Chenchaiah and Musunoori Gopal Rao, s/o. Ramachandraiah, since there is a dispute between them and the petitioner herein

and his brothers in respect of land and apprehending danger to their lives and set them at liberty forthwith and pass such other suitable orders.

2. A counter affidavit in detail had been filed. It was stated in paragraphs 4 to 6 as hereunder:

> "The alleged detenus including the petitioner are the accused in crime No.30 of 2007 for the offence under Section 380 and 511 IPC which was registered by S.H.O. Kolcharam P.S. Medak District on 19.4.2007. In the above said crime the alleged detenu No.1-Samala Yadagiri is shown as accused No.3, alleged detenu No.2-Samala Ravi is shown as accused No.3. Likewise the brother-in-law of the alleged detenu No.3-Namala Siddiramulu is shown as accused No.5, whereas the petitioner himself is shown as accused No.1 and his another brother Samala Srinivas is shown as accused No.4 in the above crime. Pursuant to the registration of the above said crime, except the petitioner, who is accused No.1, the remaining accused i.e., A2, A3 and A5 were arrested on 26.4.2007. Insofar as A4 is concerned he was arrested on 27.4.2007. After their arrest, they were produced before the Judicial First Class Magistrate, Medak on 26.4.2007 and 27.4.2007 respectively. On such production of the alleged detenus before the Court, the learned Magistrate on 26.4.2007 and 27.4.2007 was pleased to remand them to judicial custody. Pursuant to the said remand order of the learned Magistrate, the alleged detenus being the accused in the above said crime were initially lodged at Sub-Jail, Medak. However, it appears that on 28.4.2007 on an application moved by the alleged detenus for their release, the learned Magistrate was pleased to release them on a regular bail on the same day. Insofar as the petitioner is concerned, he is still absconding, evading his arrest. Though the crime

has been registered on 19.4.2007, except the petitioner, the alleged detenus including accused No.4 were arrested on 26.4.2007 and 27.4.2007 by the police Kulcharam P.S., but they were not in any manner illegally detained by the 1st respondent police. The petitioner with a view to evade his arrest, got issued the petition on 26.4.2007, when the alleged detenus were apprehended on the same day by police of Kulcharam P.S. As on today, the petitioner himself is absconding.

The basis for registration of the above said crime by the S.H.O. Kulcharam P.S. is the written complaint dated 19.4.2007 lodged by one Mr.Bellam Subba Rao, resident of Machavaram village. The whole grievance of the complaint is that there is a civil suit vide OS No.8 of2004 is pending between the complainant as well as the petitioner and the alleged detenus before the Senior Civil Judge, Medak and they got injunction orders in respect of part of the survey numbers of the suit schedule lands. However, on 13.4.2007, while the injunction orders in their favour are subsisting, the petitioner and the alleged detenus illegally entered into the suit schedule lands for which they got injunction orders and illegally cut the trees and kept them together in their fields. Despite their resistance, the petitioner and the alleged detenus did not heed their request and illegally acted upon. Hence the complainant requested the police of Kulcharam P.S. to take necessary action. Basing on the above said complaint, the Head Constable of Kulcharam P.S., registered the same as crime No.30 of 2007 for the offence under Sections 388 and 511 IPC and took up the investigation.

In the light of the above stated facts and circumstances and in view of the fact that the petitioner and the alleged detenus were arrested pursuant to the registration of the above said crime

by the police of Kulcharam P.S. on 26.4.2007 and 27.4.2007, the very allegations made by the petitioner in his petition dated 26.4.2007 are false, baseless and the same are invented to have a cause in the present Taken Up Writ Petition. As stated supra, the 1st respondent police never in any manner interfered with the petitioner as well as the alleged detenus and they were never illegally detained as alleged in the petition dated 26.4.2007. As stated supra, subsequent to registration of the crime, they were sent to judicial remand and later on they were enlarged on regular bail".

3. In the light of the specific stand taken in the counter affidavit, this Court is of the considered opinion that no further orders need be passed in the present Writ Petition.

4. Accordingly, the Writ Petition is hereby closed.

P.S.NARAYANA, J.

NOOTY RAMAMOHANA RAO, J.

Dt:16.5.2007.
SSR/TSY